

*Bridging Traditions*  
*Demystifying Differences Between*  
*Sephardic and Ashkenazic Jews*





Haim Jachter

# BRIDGING TRADITIONS

**DEMYSTIFYING DIFFERENCES  
BETWEEN SEPHARDIC  
AND ASHKENAZIC JEWS**

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*Demystifying Differences Between Sephardic and Ashkenazic Jews*

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*In Loving Memory and Honor of*

Albert Allen  
אברהם בן סלחא ע"ה

Mr. Albert Allen was born in Cairo, Egypt, and was dedicated to supporting and furthering Jewish causes. A founding member and gabbai of the Sephardic Minyan of Englewood, NJ, he was also involved in many other Jewish organizations including Yeshiva University, Yeshiva of North Jersey, Congregation Ahavath Torah of Englewood, NJ, and the Jewish Outreach Network. His endeavors were conducted with warmth, wisdom and generosity. He is greatly missed by his family and all who came in contact with him.

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The Allen Family

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An oasis of love for and dedication to Sephardic life  
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individuals and families. May our beloved Kehillah continue  
to grow and flourish with Hashem's bountiful Berachot.

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\*Editor's Note: The Michtevi Beracha are arranged in alphabetical order according to the English names of the authors.

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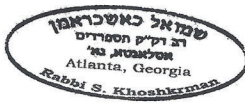
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מכתב ברכה

In great joy, I received from my esteemed friend, Rabbi Haim Jachter *Shlit"e*, member of the Bet Din of Elizabeth, N.J. and Rabbi of Shaari Orah Congregation, his new book, Bridging Traditions. Rabbi Jachter certainly does not need any introduction in the world of halacha and definitely not from me, as his teachings are well-known and respected.

This book fulfills a critical niche in halachic literature in the very unique circumstances that we find ourselves in today. Sephardim are often uninformed in halachic practice, as their exposure to the overwhelming majority of practices is based on the Ashkenazi Poskim. It is thus a significant contribution to the English-speaking Sephardic community that Rabbi Jachter has compiled and elucidated the different halachic issues that are encountered on a day to day basis.

One of the primary misconceptions is that all Sephardim basically share identical customs. This claim obviously stems from a lack of knowledge. Just as it is understood that Hungarian and German Jews have different practices, the same is true for Sephardim. Jews from Middle Eastern countries (*Edut Hamizrach*) have a very different approach to halacha then Jews originating from Spain (and exiled to North Africa, Greece, Turkey) - *Sepharadim*. The common uniter is that all Sephardim follow the *Shulchan Aruch*. However, details may differ based on the degree of Kabbalistic influence, local established customs, and *klaleihapsak* - all of which may account for huge discrepancies in these areas. This book addresses these concerns, and the reader will find clarity in the explanations of the differences between the different *edot* in this confusing but vital subject.

We thank Rabbi Jachter for bringing to the English readership a true masterpiece on a subject that begs for clarity and elucidation.

Mordechai Lebhbar

Tammuz Yahe"l 5780

Los Angeles

\*Editor's Note: Rabbi Lebhbar's comments on *Bridging Traditions*, which accompanied his *Michtav Beracha*, can be found in Appendix A.

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## Acknowledgements

**M**y Sephardic journey began with a summer spent in the HaTikva Quarter of Tel Aviv in 1984 as part of a group of students from Yeshiva University. We engaged in a wide variety of religious outreach activities to the community. During this impactful summer, I was exposed to a wide variety of Sephardic practices, including Yemenite, Syrian, and Iraqi synagogues.

My Sephardic friend Dr. David Serur continued to guide me in Sephardic practice and culture during our many years of *havruta* learning of the *teshuvot* (responsa) of Rav Ovadia Yosef.

Learning Rav Ovadia Yosef's *sefarim* and hearing him speak when he visited Yeshiva University during my years of Rabbinic studies have been life transforming. Rav Ovadia has raised the bar of Torah knowledge in a unique and extraordinary manner. Meeting him in person in July 1993 was an overwhelming experience for me. His intense expression and words are deeply etched in my memory, and I am incredibly grateful for his written authorization to serve as a *get* (Jewish Divorce) administrator.

The major event in my Sephardic journey, however, was being chosen in 2000 to serve as the Rav of the fledgling Congregation Shaarei Orah, the Sephardic Congregation of Teaneck.

## *Bridging Traditions*

Every day is a learning experience at Shaarei Orah, and I am grateful for everything our beloved congregants have taught me. This book consists of some of the many *shiurim* I have delivered over the years at Shaarei Orah. I aspired to transmit much of the energy and excitement surrounding this learning to our readers.

Special mention must be made of Heidi and Jack Varon, who have served as pillars of the Shaarei Orah community for many years. Their steadfast kindness, dedication, and wisdom have built Shaarei Orah into a warm and vibrant congregation where Sephardic life flourishes in the midst of the Teaneck, New Jersey Jewish community. Heidi and Jack have been especially supportive of my writings over the years, and I thank them for their sponsoring the publication of this work. I am honored to dedicate this volume in memory of Heidi's father, Mr. Howard Altshul *z"l*, and Jack's parents, Mr. Harry and Mrs. Rachel Varon *z"l*.

Immediately after assuming the position at Shaarei Orah, I began to seek halachic guidance from my *bet din* colleague and friend Rav Shmuel Khoshkerman of Atlanta's Congregation Ner HaMizrach. Rav Shmuel, in his quiet manner, is a master of Sephardic Halacha and is wise beyond words in his leadership of his congregation, whose makeup is similar to that of Shaarei Orah. I am grateful that Rav Khoshkerman took from his precious time to review this work and add dozens of very important comments. He is truly one of the greatest Sephardic *Rabbanim* in North America.

I am also grateful for the many people whose insights and comments have immeasurably enriched this book. I wish to specifically thank Rav Mordechai Djavaheri and Rav Ike Sultan, two young members of the Kollel at Yeshiva University, for their many and varied insights, which greatly improved the quality of this work. These two young men are of great promise, and we look forward to them emerging as leaders of the Sephardic community in the decades to come *b'ezrat Hashem*. I also thank Rav Jonathan Cohen for his help regarding the chapters on Yemenite Jews.

Rav Ely Allen, with whom I have had the privilege and honor of sharing the Rabbinic position at Shaarei Orah, is also owed much gratitude. Rav Allen has been a constant source of support and encouragement. I am deeply honored that he chose to sponsor this work in memory of his father, Mr. Albert Allen *z"l*.

## Acknowledgements

Dr. Saul Bodenheimer has also been a constant source of encouragement and support. I feel honored that he chose to sponsor this book in honor of his late wife, Mrs. Sandy Bodenheimer z"l.

I am grateful to Rabbi Moshe Kinderlehrer, the editor of our esteemed local newspaper *The Jewish Link*, for his unswerving support. He has graciously allotted me a weekly column to share the Torah learning at Shaarei Orah with the broader Jewish community. I also thank *Link* editors Mrs. Elizabeth Kratz and Mrs. Jill Kirsch for their devotion and dedication to publishing a high-quality "Sephardic Corner" column each week at the *Link*. Special mention must be made of the hundreds of readers of the column, who have unceasingly shared kind words of appreciation and encouragement. These columns form the backbone of this book.

The combination of OU Press and Koren Publishers represents the top tier of publications in the Orthodox community. Their meticulous attention to every detail and supreme devotion to excellence live up to their lofty reputations and have exceeded all expectations. It is a pleasure and honor to work with these fine organizations. OU Press under the leadership of Rav Menachem Genack has been involved in this project since the outset. A special debt of gratitude is owed to the OU Press staff, including Rav Simon Posner for shepherding this project from beginning to end, Rav Gad Buchbinder for his extraordinary talented editing, and Debra Bree for her invaluable assistance. Thanks are due as well to Meira Mintz for her editing work on early versions of the manuscript under the supervision of OU Press. The lofty vision of Matthew Miller at the helm of Koren Publishers continues to elevate and inspire the worldwide Orthodox community. It is an honor to work with him once again on this groundbreaking work.

I thank my wife Malca for providing a loving and happy environment in our home. She is the source of the happiness and joy of our home, where our children Bracha and Yisroel (and their son Shmuel David), Binyamin, Chaya Ziporah, Atara, and Hillel grow and flourish, with *Hashem's* help. My *shiurim* and articles easily flow in abundance due to the joyful environment Malca has created in our home. The accolade Rabbi Akiva bestowed upon his wife, "*Sheli v'shelachem shela hi*," "My learning and your learning is all due to her," applies at least in equal measure to Malca.

May this work serve *l'ilui nishmat* my parents, Ben and Shirley Jachter *a"h*. Although they never had the opportunity to meet their daughter-in-law Malca and their grandchildren, I am certain that they

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would have been enormously pleased with their complete dedication to Torah and quality character.

May this work serve *l'ilui nishmat* my recently deceased father-in-law, Rav Shmuel Tokayer *zt"l* and a source of comfort and support to my dedicated mother-in-law, Mrs. Chana Tokayer. May *Hashem* extend her much *beracha*, support, and kindness.

Most of all, I thank *Hashem* for fulfilling my dreams to be blessed with a loving spouse and children and to spend a life immersed in holy projects. As a young man, I dreamed of leading a friendly and warm *kehilla*, teaching Torah to teenagers, contributing to *Am Yisrael* as a *dayan*, and publishing valued works of Torah. Thank you *Hashem* for transforming all of these aspirations into reality! Thank you *Hashem* for facilitating such a large and loyal readership, way beyond any dreams I harbored! "*Mah ashiv laHashem kol tagmulohi alai*" (*Tehillim* 116:12) – I am overwhelmed with the enormous gratitude that I owe our Creator.

May it be His Will to continue bestowing all these blessings for many decades to come.

Rabbi Haim Jachter  
2 Tevet 5781  
Teaneck, New Jersey



## *Introduction*

**H**ow interesting! A neighbor related to me that as a youngster living in Brooklyn, New York, whenever he and his Ashkenazic friends visited a Sephardic synagogue for *tefilla*, their reaction was, “How interesting!” When his Sephardic friends would visit an Ashkenazic *shul*, the reaction was the same: “How interesting!”

It is my hope that readers from both Sephardic and Ashkenazic communities, as they delve into this work and begin to learn and grasp the basis for the practices of the various sections of our Jewish community, will react similarly and proclaim, “How interesting!”

Upon their first exposure to the wide and deep world of Sephardic *posekim*, many people comment about how deep Sephardic Halacha is. How deep are the great debates between Rav Ovadia Yosef and Rav Shalom Mesas! How deep are the halachic insights of Rav Ben Tzion Abba Sha’ul, Rav Mordechai Eliyahu, and Rav H̄ayim David HaLevy! How fascinating is the wide variety of customs of the different sub-groupings of Sephardic Jews! This will be your reaction as well, as *Bridging Traditions* presents rich discussions regarding a broad range of common contemporary areas of interest spanning each of the four sections of the *Shulḥan Aruch*, with an eye to the practices of all of the Sephardic communities.

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A book like *Bridging Traditions* was not necessary in the Jewish communities of yesteryear, when most Jews could live a lifetime without ever having met Jews of a different background. Ashkenazic and Sephardic Jews had limited interaction until the modern age. The Jew of pre-modern times could manage very well even if he was familiar only with the customs and practices of his specific community.

Nowadays, however, almost all observant families have (or will soon have) at least one couple in their family who are of mixed Sephardic and Ashkenazic heritage. Most Orthodox communities of significant size support both a Sephardic and Ashkenazic *minyan*, or even a full-fledged Sephardic *bet kenesset*. Jews of this generation must therefore be acquainted with the halachic practices and approaches of all Jewish communities.

As a result, I have devoted much attention in *Bridging Traditions* to clarifications as how Sephardic and Ashkenazic Jews should manage their halachic differences when they join together for various occasions. *Bridging Traditions* provides halachic guidance for visiting synagogues, hosting guests on Shabbat and Pesah, roommates with varying practices, weddings, *sheva berachot*, *b'rit mila*, and much more. Both Sephardic and Ashkenazic readers will emerge from reading this book fortified with the knowledge of how to act appropriately in these situations.

The goal of *Bridging Traditions* is to broaden every Jew's perception of "we" to include all Jews. Every Jew should take special pride in the practices of his particular *shevet*/sub-group. At the same time, however, every Jew should also feel a sense of oneness and unity with all Jews. Readers of *Bridging Traditions* will emerge much more knowledgeable regarding the nuanced differences between the communities and will gain a solid "feel" and savvy regarding the broader perspectives and halachic approaches of the wide variety of Sephardic communities. It is my hope that readers will come away with a tangible feeling that we are *am ehad* – one nation serving *Hashem*, with variations. The core of the halachic practice of all the Orthodox Jewish communities is identical.

I learned much of what is imparted in these pages over the past twenty years during my service as the Rav of Shaarei Orah, the Sephardic Congregation of Teaneck, and from my Sephardic mentor, Rav Shmuel Khoshkerman of Atlanta's Congregation Ner HaMizrach. Serving as the Rav of Shaarei Orah has been a life-altering experience for me and my family. We have been immeasurably enriched by the wonderful congregants and Torah

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learning at Shaarei Orah, and I am eager to share this excitement and rich learning with the readers of this work. I hope it will be a life-transforming experience for you as well as you emerge with your *Bridging Traditions*.



*Tefilla*



## Chapter 1

# Synagogue Conformity: An Exploration of *Lo Titgodedu*

**D**oes Halacha require that everyone praying in one synagogue follow the same practices? At first glance, it seems that the answer is a resounding yes. However, as we shall see, the matter is not as simple as it first appears.

### **LO TITGODEDU – SOURCE, CHARACTER, AND SCOPE**

The Torah forbids us to cut ourselves in mourning for the dead: “*Lo titgodedu*” (*Devarim* 14:1). *Ḥazal* in turn interpret the command of *lo titgodedu* as teaching, “*Lo ta’asu agudot agudot*” – do not split into different factions (*Yevamot* 13b).<sup>1</sup>

The *Aḥaronim* debate whether the prohibition to separate into different groups is a Biblical or Rabbinic prohibition. The Maharal (*Gur Aryeh*, *Devarim* 14:1) maintains that it is a Torah-level prohibition, whereas the *Ḥida* (Rav Yosef David Ḥayim Azulai) argues that it is a Rabbinic edict (*Sha’ar Yosef*, *Horiyot* 7b).

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1. See *Shem MiShemu’el*, *Parashat Re’eh*, year 5675, for an explanation of the connection between the prohibition to cut oneself in mourning and the prohibition to separate into factions.

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Significantly, Rav Moshe Feinstein (*Teshuvot Igrot Moshe, Oraḥ Ḥayim* 4:34) rules that it is a Torah-level prohibition. Rav Ovadia Yosef (*Teshuvot Yeḥaveh Da'at* 4:36), on the other hand, rules in accordance with the Hida that it is only a Rabbinic-level prohibition. Thus, it is not surprising that Rav Ovadia takes a more lenient approach to *lo titgodedu* than does Rav Moshe.

The *Rishonim* debate the reason for the prohibition to form different groups. Rashi (*Yevamot* 13b, s.v. *lo ta'asu* and *amina*) explains that when some Jews follow one law and other Jews follow another, it gives the appearance as though there are two Torahs. The Rambam (*Hilchot Avoda Zara* 12:14), in contrast, states that the reason behind this prohibition is to avoid creating conflict among Jews.

Rava and Abaye (*Yevamot* 14a) debate whether the prohibition applies to a situation of “*shetei batei din b'ir aḥat*,” two Rabbinic courts in one city, with Rava adopting the lenient view and Abaye adopting the stricter view. Abaye demands halachic conformity from a Jewish community, whereas Rava does not. Rava finds it tolerable to have a Jewish community with more than one halachic authority.

Although the Rambam accepts the opinion of Abaye, the majority of *Rishonim* – including the Rif (*Yevamot* 3b) and the Rosh (*Yevamot* 1:9) – rule in accordance with Rava, following the general rule (*Bava Metzia* 22b) that we follow Rava's rulings except for six specific cases (of which this debate is not one).

Despite the lenient view of the *Rishonim*, however, it seems that one synagogue certainly constitutes a single *bet din*, and a uniform practice should therefore be observed in such a setting. This appears to be the ruling of the Rama (*Oraḥ Ḥayim* 493:3), who writes that disparate observances of the *sefirat ha'omer* mourning period within a single community constitute a violation of *lo titgodedu*.

### EXCEPTIONS TO THE RULE – HOMOGENOUS VS. HETEROGENEOUS COMMUNITIES

Rav Moshe Feinstein (*Teshuvot Igrot Moshe, Oraḥ Ḥayim* 1:159) notes that in the United States, Jews from various parts of Europe are all gathered together, and they continue the halachic practices of their former communities. Subsequent generations continue the practices of their parents and grandparents. Thus, in the United States, most communities do not



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have one unified *minhag* regarding the observance of the mourning during the *sefirat ha'omer* period. According to Rav Moshe, one might argue that American Jewry constitutes a case of a massive “*shetei batei din b'ir ahat*.”<sup>2</sup> Thus, those who uphold their divergent practices do not violate *lo titgodedu*.

However, in another context (*Teshuvot Igrot Moshe, Oraḥ Ḥayim* 4:34), Rav Moshe does not go as far as to make such a sweeping statement. In fact, he prohibits having two different practices in one *bet kenesset*, such as some people wearing *tefillin* on *Ḥol HaMoed* while others do not (as we discuss at length in chapter 40).

Rav Moshe Sternbuch (*Teshuvot V'Hanhagot* 1:44 and 637), however, presents an argument supporting divergent practices regarding the wearing of *tefillin* on *Ḥol HaMoed*, even in one synagogue. He writes that after the Holocaust, after centuries-old communities with distinct customs were destroyed and survivors gathered and formed new communities, an implicit understanding emerged that everyone would follow the practices of their families and former communities. Thus, Rav Sternbuch countenances divergent practices in such communities regarding wearing *tefillin* on *Ḥol HaMoed*.

This is indeed prevalent in many Ashkenazic synagogues, where it is also common to see unmarried young men of German-Jewish descent wearing a *tallit* before marriage, even though most of the unmarried men in the synagogue do not wear a *tallit*. In such communities, there is an implicit understanding that everyone follows the respective practices of their ancestors.

Rav Sternbuch explains that *lo titgodedu* does not apply to such a situation, since there is communal consent to the divergent practices. This fits with the Rambam's reasoning that it is prohibited to break into factions because of inevitable conflict. In a case of consent, it follows, there is no prohibition of *lo titgodedu*.<sup>3</sup>

According to Rav Sternbuch (and to a lesser extent Rav Moshe), we may distinguish between homogenous and heterogeneous communities. The prohibition of *lo titgodedu* applies only to a homogenous community.

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2. In this responsum, Rav Moshe refers to the situation as not just two, but rather many *batei din* in one Jewish community.

3. It appears that we can make such an assertion only if we assume that *lo titgodedu* regarding divergent practices constitutes a Rabbinic prohibition.

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Even in a heterogeneous synagogue, however, there may be a blend of conformity and diversity. While different practices are tolerated and accepted regarding certain specific practices, such as wearing *tefillin* on *Ḥol HaMoed* and a *tallit* for unmarried men, there may be an expectation of uniformity with regard to many, or even most, other matters, such as the *nusah* of the *tefilla*.

### **RAV OVADIA YOSEF'S LIMITATIONS ON LO TITGODEDU**

In his aforementioned responsum, Rav Ovadia Yosef notes some dramatic limitations on the prohibition of *lo titgodedu*. He argues (based on Radbaz's *Leshonot HaRambam* #11) that *lo titgodedu* does not apply to well-known disagreements, such as those between Bet Hillel and Bet Shamai. Rav Ovadia applies this distinction to the different practices among Sephardic and Ashkenazic Jews. Thus, he permits Sephardic students who are learning in a predominantly Ashkenazic yeshiva to shave and cut their hair between the seventeenth of Tammuz and the week during which Tisha B'Av falls, even though this is not permitted according to Ashkenazic custom.

Rav Ovadia argues that this difference in practice should not lead to great discord, since it is well-known that Sephardic Jews follow the *Shulḥan Aruch* regarding this issue while Ashkenazim follow the Rama (*Oraḥ Ḥayim* 551:3). The assertion that divergent Ashkenazic and Sephardic customs do not violate *lo titgodedu* is a recurring theme in Rav Ovadia's writings. (See, for example, *Teshuvot Yabia Omer* 4: *Even HaEzer* 13; 5: *Oraḥ Ḥayim* 37:4 and *Yoreh De'ah* 3; and 6: *Oraḥ Ḥayim* 10.)

Furthermore, Rav Ovadia accepts the view of Rav Mordechai Benet (*Teshuvot Parashat Mordechai*, *Oraḥ Ḥayim* 4), who rules that in the case of divergent practices that stem from ancient disputes, *lo titgodedu* does not apply even when both practices are observed simultaneously in the same *bet kenesset*. In other words, Rav Ovadia rules that we extend Rava's tolerance of *shetei batei din b'ir aḥat* to accepting two *batei din* even in one yeshiva and in one synagogue.

Rav Ovadia applied this approach in practice. Rav Shmuel Khoshkerman vividly recalls Rav Ovadia's visit to Baltimore's Yeshivas Ner Yisroel in the 1980s. Rav Khoshkerman was among a large group of young Jews who had escaped from Iran and were separated from their parents

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for many years; Ner Yisroel took in many of these students.<sup>4</sup> When Rav Ovadia was given the honor of the third *aliya* to the Torah, he recited the *berachot* in full accordance with Sephardic pronunciation and text.<sup>5</sup> In conformity with Sephardic practice, he even recited *Kaddish* after his *aliya* (unlike the Ashkenazic practice, in which the *ba'al korei* recites this *Kaddish*), once again in complete conformity with the Sephardic pronunciation and text.

Moreover, Rav Khoshkerman reports that the great Rosh Yeshiva of Ner Yisroel, Rav Yaakov Yitzhak Ruderman, instructed the Sephardic students to follow all Sephardic customs while they prayed together in the yeshiva's (Nusah Ashkenaz) *minyan*.

### **RAV MOSHE FEINSTEIN VS. RAV OVADIA YOSEF**

When I reported Rav Ruderman's ruling to Rav Hershel Schachter, he reacted with surprise. Rav Schachter remarked that Rav Ruderman should have instructed the Sephardic Talmidim to make a separate *minyan*. He noted that this is what was done when Moroccan students began attending the Mirrer Yeshiva in the 2000s.

Rav Schachter follows the approach of Rav Moshe Feinstein (*Teshuvot Igrot Moshe, Oraḥ Ḥayim 2:23*), who rules that when praying in a synagogue whose *nusah* differs from one's own, one should pray in conformity with the *tzibbur's nusah* with regard to the portions of *tefilla* that are ordinarily said out loud.<sup>6</sup>

Although Rav Moshe prohibits even praying *Pesukei D'Zimra* in accordance with one's own *nusah* in such a case, as it may be said aloud, Rav Schachter permits it. He argues that since it is common to recite *Pesukei D'Zimra* quietly in Modern Orthodox synagogues, it is permissible to quietly recite this portion of *tefilla* in accordance with one's own *nusah*.

Thus, Rav Schachter rules that an Ashkenazic Jew who prays in a Sephardic *bet keneset* should use an Ashkenazic *siddur* and pray in accordance

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4. Quite a number of these young Persian Jews who learned for many years at Ner Yisroel later emerged as significant Rabbinic leaders in the Sephardic community and beyond.

5. Indeed, Rav Yitzhak Yosef rules that this is the proper practice for a Sephardic Jew who receives an *aliya* in an Ashkenazic *bet keneset*; see Rav Yonatan Nacson, *MiMizrah UmiMa'arav*, p. 273.

6. Rav Mordechai Willig told me that he also subscribes to Rav Moshe's approach.

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with Ashkenazic practice, except for the portions of *tefilla* that are said out loud, such as *Kaddish* and *Kedusha*.

Rav Schachter permits an Ashkenazic Jew visiting a Sephardic synagogue to use a Sephardic *siddur* and to pray in complete conformity with the Sephardic *tefilla* if he would otherwise find it confusing. I advise most Ashkenazic Jews to follow this in practice, because experience indicates that using an Ashkenazic *siddur* in a Sephardic synagogue leads to considerable confusion.<sup>7</sup>

In contrast to Rav Moshe and Rav Schachter, Rav Ovadia Yosef (*Teshuvot Yehaveh Da'at* 4:36) adopts a dramatically more narrow definition of *lo titgodedu*. He urges Sephardic Jews praying in an Ashkenazic congregation to completely adhere to Sephardic practice.<sup>8</sup> He even goes as far as to say that a Sephardic mourner should recite *Kaddish* in conformity with the Sephardic text even when praying in an Ashkenazic congregation (*Yalkut Yosef, Oraḥ Ḥayim* 56:25)!<sup>9</sup>

### RAV OVADIA'S EXCEPTIONS

Even Rav Ovadia, however, sets limits about deviating from the practices of one's host synagogue. For example, he rules that a Sephardic Jew should stand for *Kaddish* when praying with Ashkenazim (*Teshuvot Yehaveh Da'at* 3:4).<sup>10</sup> He also rules that a *kehilla* should adopt a uniform manner of performing the *na'anuim* of the *arba minim* on Sukkot (*Ḥazon Ovadia, Sukkot* 353). Finally, he urges one to wear *tefillin* on Tisha B'Av in the afternoon when visiting a congregation where this is the prevailing *minhag* (*Ḥazon Ovadia, Daled Ta'aniot*, p. 370 in the *bi'urim*).

Rav Ovadia does not establish a guiding principle as to when to permit or forbid deviation from a congregation's prevailing *minhag*. It seems,

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7. An exception would be one who is exceptionally proficient in both Ashkenazic and Sephardic *nusah*.
  8. Rav Shalom Messas (*Teshuvot Shemesh U'Magen* 3: *Oraḥ Ḥayim* 24) concurs. Rav Shlomo Amar (*Teshuvot Shema Shlomo* 2:7) writes that this has emerged as the accepted practice among Sephardic Jews when visiting Ashkenazic synagogues.
  9. We discuss this issue at length in chapter 11. Whenever we refer to *Yalkut Yosef* in this volume, we refer to the 5766 version of Rav Yitzhak Yosef's *Yalkut Yosef, Kitzur Shulḥan Aruch* (unless otherwise noted).
  10. Note that *Masechet Derech Eretz Rabba* (ch. 7) specifically instructs one to avoid standing among those who are seated or sitting among those who are standing.

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however, that even Rav Ovadia frowns upon divergent practices that irritate congregants. In other words, Rav Ovadia permits different practices when there is perceived permission and consent. In a situation in which such consent is lacking and there is concern for strife and conflict, the concern for *lo titgodedu* emerges.

Put differently, the implicit consent for divergent practices that Rav Sternbuch argues exists in contemporary heterogeneous synagogue settings has its limits. It does not apply when the prevailing community finds the varying practice to be irritating. Having divergent practices regarding *na'anuim* in one *minyán*, for example, is understandably irritating, and the communal consent does not extend to this differing comportment.

Thus, *lo titgodedu* does not apply when there is consent to divergent practice. Absent such consent, however, *lo titgodedu* applies. A community's *posek* must determine which varying behaviors are acceptable and which the community finds offensive.

### **DIVERGENT SEPHARDIC PRACTICES IN A PAN-SEPHARDIC BET KENESSET**

Rav Shmuel Koshkerman has repeatedly told me that Rav Ovadia's ruling applies to variant Sephardic practices in a pan-Sephardic synagogue (whose members consists of a diverse assembly of Sephardim from a variety of backgrounds), such as Shaarei Orah in Teaneck and Ner Mizrach in Atlanta (where Rav Khoshkerman serves as the Rav). Rav Baruch Gigi told me that this is standard practice in pan-Sephardic congregations in Israel as well.

Accordingly, in a pan-Sephardic synagogue, it is acceptable to have some following the Minhag Yerushalyim to stand for the *Kaddish* prior to *Barechu* on Friday evening while others follow the Moroccan custom to sit. Similarly, at *Minḥa* on a *ta'anit tzibur*, it is acceptable for some men to wear *tefillin* while others refrain from doing so (see Rav David Yosef, *Halacha Berura* 38:20).

This would not seem to apply, however, to a homogeneous Sephardic synagogue, a synagogue that practices a specific rite, such as a synagogue designated as a Moroccan, Syrian, Turkish, or Persian *bet keneset*. Once again, we distinguish between a homogenous and heterogeneous community. As we cited above from Rav Sternbuch, in a heterogeneous community, there is consent for divergence in practice. Even in that case, however, there is

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room to draw limits on certain issues, especially those for which there is a consensus among the various Sephardic communities.<sup>11</sup>

### **CONCLUSION**

When Rav Shlomo Amar visited Congregation Shaarei Orah in August 2017, I asked him whether we are mandated to maintain one uniform practice in a Sephardic *bet kenesset* or if divergent practices may be countenanced. He replied that it is preferable to maintain one *minhag*, but if the synagogue rabbi feels it is in the best interest of the congregation to tolerate divergent Sephardic practices, he may elect to do so. Thus, a synagogue may choose to define itself as homogenous or heterogeneous.

Returning to the question we posed at the beginning of this chapter as to whether the Halacha requires everyone praying in one synagogue to follow the same practices – the answer is that it depends on the character of the synagogue and the particular issue at hand. Sometimes, the *lo titgodedu* principle demands conformity, while at other times divergence is acceptable.

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11. The universally accepted Sephardic practice to refrain from wearing *tefillin* on *Hol HaMoed* may be one such example.